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17 *Attorneys for Plaintiff*
18 The American Beverage Association

19 *Additional Counsel on Signature Page*

20 UNITED STATES DISTRICT COURT
21
22 NORTHERN DISTRICT OF CALIFORNIA
23
24 SAN FRANCISCO DIVISION

25 THE AMERICAN BEVERAGE
26 ASSOCIATION, CALIFORNIA RETAILERS
27 ASSOCIATION, CALIFORNIA STATE
28 OUTDOOR ADVERTISING ASSOCIATION,

Plaintiffs,

v.

THE CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

CASE NO. 3:15-cv-03415-EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs The American Beverage
2 Association, California Retailers Association, and California State Outdoor Advertising
3 Association (“Plaintiffs”), and Defendant The City and County of San Francisco, hereby
4 stipulate as follows:

5 WHEREAS, the Court scheduled a Case Management Conference for September 7, 2017
6 (Dkt. No. 94);

7 WHEREAS, on July 31, 2017, this Case Management Conference was reset to September
8 28, 2017 (Dkt. No. 95);

9 WHEREAS, on September 18, 2017, this Case Management Conference was reset to
10 March 29, 2018 (Dkt No. 98);

11 WHEREAS, on March 16, 2018, this Case Management Conference was reset to July 12,
12 2018 (Dkt. 106);

13 WHEREAS, a Case Management Statement is due to the Court by July 5, 2018 (Dkt. No.
14 98);

15 WHEREAS, on June 16, 2016, Plaintiffs American Beverage Association and California
16 Retailers Association filed a Notice of Appeal of the Court’s May 17, 2016 Order Denying
17 Plaintiffs’ Motion for Preliminary Injunction, and Plaintiff California State Outdoor Advertising
18 Association filed a separate Notice of Appeal of the same order on that date;

19 WHEREAS, on April 17, 2017, the parties presented oral argument to the U.S. Court of
20 Appeals for the Ninth Circuit;

21 WHEREAS, on September 19, 2017, the U.S. Court of Appeals for the Ninth Circuit
22 issued a decision in the appeal in this case (Ninth Circuit Dkt. No. 74);

23 WHEREAS, on October 17, 2017, Defendant filed a Petition for Panel Rehearing or
24 Rehearing En Banc in the appeal in this case (Ninth Circuit Dkt. No. 77);

25 WHEREAS, on January 29, 2018, the U.S. Court of Appeals for the Ninth Circuit
26 granted Defendant’s Petition for Rehearing En Banc in the appeal in this case (Ninth Circuit Dkt.
27 No. 100);

28 WHEREAS, on March 22, 2018, the Ninth Circuit stayed the proceedings in the appeal in

1 this case pending the U.S. Supreme Court's decision in *National Institute of Family & Life*
2 *Advocates v. Becerra*, S. Ct. Dkt. No. 16-1140, or upon further order of the Court (Ninth Circuit
3 Dkt. 134); and

4 WHEREAS, the parties are awaiting further orders by the U.S. Court of Appeals for the
5 Ninth Circuit concerning this case,

6 NOW, THEREFORE, in the interest of judicial economy and good cause showing, the
7 undersigned parties, by and through their counsel of record, hereby agree and stipulate, and the
8 Court hereby orders, as follows:

9 (1) The Case Management Conference, currently scheduled for July 12, 2018 at 10:30
10 a.m., shall be continued to at least two weeks following a decision by the U.S. Court of Appeals
11 for the Ninth Circuit, at a date and time convenient for the Court; and

12 (2) The parties shall submit a Joint Case Management Statement by one week prior to the
13 Case Management Conference.

14 The parties respectfully request that the Court enter an Order approving this Stipulation.

15 IT IS SO STIPULATED.

16
17 Dated: June 25, 2018

Respectfully submitted,

18 LATHAM & WATKINS LLP

19
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The American Beverage Association,
California State Outdoor Advertising
Association, and California Retailers
Association

Dated: June 25, 2018

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ATTESTATION CLAUSE

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that I obtained in the filing of this document the concurrence from all parties whose electronic signatures appear above.

Dated: June 25, 2018

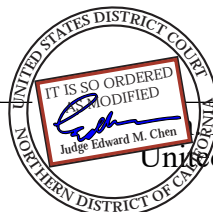
LATHAM & WATKINS LLP

By: /s/ Marcy C. Priedeman
Marcy C. Priedeman

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Further CMC reset from 7/12/2018
to 9/20/2018 at 10:30 a.m. An
updated joint CMC statement shall
be filed by 9/13/2018.

DATED: 6/27/2018



Edward M. Chen
United States District Judge